

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Devin Jensen on December 4, 2009.

The claims have been amended / replaced as follows:

In Reference to Claims 1-12

Claims 1-12 have been canceled.

In Reference to Claim 13

Claim 13 has been replaced with:

13. A dispenser for a liquid container comprising:

- a liquid pump provided with an inlet having an inlet valve and an outlet having an outlet valve;
- a liquid chamber in communication with the outlet valve of the liquid pump;
- a mixing chamber in communication with the liquid chamber;
- an air pump provided with an inlet having an inlet valve and an outlet having an outlet valve, wherein the outlet valve comprises a flexible wall arranged between the liquid chamber and the mixing chamber and projecting substantially transversely of liquid flow through the mixing chamber;

a central opening in the flexible wall; and  
a dispensing part provided with an outflow channel with an outflow opening, wherein the outflow channel is in communication with the mixing chamber.

In Reference to Claim 14

Claim 14 has been canceled.

In Reference to Claim 15

Claim 15 has been replaced with:

15. The dispenser according to claim 13, wherein the mixing chamber comprises a central outlet opening which debouches in the outflow channel of the dispensing part.

In Reference to Claims 16-17

Claims 16-17 have been canceled.

In Reference to Claim 18

Claim 18 has been replaced with:

18. The dispenser of claim 15, wherein the flexible wall seals around the central outlet opening of the mixing chamber in a static situation.

In Reference to Claim 19

Claim 19 has been replaced with:

19. The dispenser of claim 13, wherein the central opening in the flexible wall is in open communication with the outflow channel of the dispensing part.

In Reference to Claims 20-22

Claims 20-22 have been canceled.

In Reference to Claim 23

Claim 23 has been replaced with:

23. The dispenser of claim 13, further comprising a foam-forming element arranged in the outflow channel.

In Reference to Claim 24

Claim 24 has been canceled.

In Reference to Claim 25

Claim 25 has been replaced with:

25. The dispenser of claim 23, further comprising a second foam-forming element arranged in the outflow channel.

In Reference to Claims 26-30

Claims 26-30 have been canceled.

The above Examiner's amendment corresponds to the claims of the December 3, 2009

amendment and was required because the claims were non-compliant with 37 CFR § 1.121. The dependence of claim 18 was changed from “claim 16” to --claim 15-- (as claim 16 had been canceled).

### ***Drawings***

2. Drawings were received on December 3, 2009 consisting of New Sheet Fig. 5, and Replacement Sheets Fig. 2 and Fig. 3. These drawings are acceptable.

### ***Reasons for Allowance***

3. The following is an examiner's statement of reasons for allowance:

In a dispenser for a liquid comprising: a liquid pump, a liquid chamber, a mixing chamber, an air pump provided with an inlet having an inlet valve and outlet valve, and a dispensing part, the inclusion of:

the outlet valve comprises a flexible wall, with a central opening, the flexible wall arranged between the liquid chamber and the mixing chamber and projecting substantially transversely of liquid flow through the mixing chamber, was not found or fairly taught by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

***Interview Summary***

4. The Examiner initiated an interview in response to the August 31, 2009 response / amendment in an effort to place the application in condition for allowance. The Examiner informed Mr. Jenson that the response did not place the application in condition for allowance, but that a prompt supplemental response including the following items would place the application in condition for allowance:

- a. Cancel claim 15 or 16 (which were duplicates).
- b. Include the phrase "incorporated by reference" on page 5, line 5, & page 6, line 2.
- c. Amend the specification to include: the critical subject matter of Fig. 2 of WO 02/42005 and its associated specification description; the brief description of the added Fig. 2.
- d. Provide a statement that no new matter was entered.

The Examiner indicated that a proper incorporation by reference was required to include both terms "incorporate(d)" and "by reference". However, as the specification as originally filed made reference to a specific document, and since the intent to incorporate by reference was clear, the appropriate incorporation statement could be added. It was further explained that since the incorporation by reference included critical subject matter but was to a foreign publication, the information would need to be amended into the specification; Since the intent to incorporate by reference was clear in the specification as originally filed, the inclusion of the critical subject matter would not constitute new matter. An Examiner's amendment was subsequently approved address the supplemental amendments claims being non-compliant.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KENNETH BOMBERG whose telephone number is (571)272-4922. The examiner can normally be reached on Monday-Thursday and alternative Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver can be reached on (571)272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Kenneth Bomberg/  
Primary Examiner, Art Unit 3754